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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Barry Lee Jones,

10 Petitioner,

11 v.

12 Ryan Thornell, et al,

13 Respondents.
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No. CV-01-00592-TUC-TMB

DEATH PENALTY CASE

ORDER

15 On November 6, 2001, Petitioner Barry Lee Jones instituted federal habeas
16 proceedings pursuant to 28 U.S.C. § 2241, et seq., for the purpose of seeking relief from
17 his state court convictions and death sentence. (Doc. 1.)

18 On April 19, 2023, the parties entered into a Stipulated Settlement Agreement,
19 approved by the Court (Doc. 377), agreeing to dismiss Jones's petition for writ of habeas
20 corpus when the terms of the settlement agreement were satisfied, and Jones was released
21 from custody by the state court. (Doc. 377)

22 On June 15, 2023, the terms of the settlement agreement were satisfied when the
23 state court vacated Jones's convictions and sentences pursuant to an uncontested state
24 court petition for post-conviction relief, accepted Jones's guilty plea to second-degree
25 murder, and, after imposing the credited 25-year sentence, ordered the Arizona
26 Department of Corrections, Rehabilitation and Reentry to release Jones from prison.

27 On June 20, 2023, Jones filed a motion to dismiss, without prejudice to
28 reinstatement pursuant to the terms of the settlement agreement, pursuant to Rule

1 41(a)(2) F. R. Civ. P and the parties' court-approved settlement agreement. (Doc. 387.)

2 On June 21, 2023, Jones appeared out of custody in federal court and the Court
3 heard argument on his unopposed motion to dismiss. After some discussion, the parties
4 agreed to orally amend the motion to request dismissal with prejudice, rather than
5 without. The Court accepted the in-court amendment and ordered the motion granted
6 with this formal order to follow. (Doc. 388.)

7 Therefore,

8 (1) Petitioner's Motion for Dismissal (Doc. 387), as amended, is **GRANTED**.

9 (2) Barry Jones's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 is
10 **DISMISSED WITH PREJUDICE**.

11 (3) The Clerk of Court is **DIRECTED** to unseal Court Document Numbers 375–378
12 and close this case.

13 **IT IS SO ORDERED**

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15 Dated this 5th day of July, 2023.

16 /s/ Timothy M. Burgess
17 TIMOTHY M. BURGESS
18 UNITED STATES DISTRICT JUDGE
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